

Appl. No. 10/670,043  
Atty. Docket No. CM2700L  
Amdt. dated July 6, 2005  
Reply to Office Action of April 22, 2005  
Customer No. 27752

### REMARKS

#### Claim Status

Claims 1-18 are pending in the present application. No additional claims fee is believed to be due.

Claims 1-15 are withdrawn as a result of the restriction requirement.

Claim 16 is amended to place claim 16 in independent form and deleting the word "that" as it appeared in Claim 1. Claim 16 is further amended by inserting "water absorbent" preceding "polymeric base material." Support for this amendment is found on page 18, lines 6-10.

Claim 17 is amended by deleting the word "about." Support for this amendment can be found on page 5, lines 30-31.

These changes do not involve any introduction of new matter. Consequently, entry of these changes is in order and is respectfully requested.

#### Response to Restriction Requirement

The Examiner has required, under 35 USC §121, election of a single disclosed invention for prosecution on the merits. Pursuant to this requirement, Applicants hereby elect to prosecute the invention designated in the Office Action as Invention II. Claims are drawn to this invention. This election is made with traverse.

#### Rejection Under 35 USC §112, First Paragraph

The Office Action states that claim 17 is indefinite in reciting "at least about 50%." Claim 17 is amended by deleting the word "about."

#### Rejection Under 35 USC §102 Over Carlucci et al. (EP 1138293)

Based on the Office Action, it appears that claims 16-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Carlucci et al. (EP 1138293). The form paragraph cited in the Office Action on page 3, following the number 3, is from 35 U.S.C. 102(b) and no discussion of the application in regard to 102(b) is made following the number 3. On pages 3 and 4, following the number 4, is a discussion of the Carlucci et al. reference, stating that claims 16-18 lack novelty. The Applicant presumes that the

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Examiner intended to reject claims 16-18 under 35 U.S.C. 102(b) as being unpatentable over Carlucci et al.

Claim 16 is amended by placing Claim 16 in independent form and by inserting "water absorbent" preceding "polymeric base material." Carlucci et al. fails to disclose a water absorbent polymeric base material. Because Carlucci et al. fails to disclose a water absorbent polymeric base material, Claim 16 is allowable over Carlucci et al. and the Applicants respectfully request that the rejection of Claim 16, under 35 U.S.C. 102(b), be withdrawn.

Because Claims 17 and 18 are dependent upon Claim 16, Claims 17 and 18 are also allowable over Carlucci et al. The Applicants respectfully request that the rejections of Claims 17 and 18, under 35 USC 102(b), be withdrawn.

Rejection Under 35 USC §103(a) Over Soerens et al. in view of Kimura et al.

Claims 16-18 have been rejected under 35 USC §103(a) as being unpatentable over Soerens et al. (U.S. 682135) in view of Kimura et al. (U.S. 5026800). Claim 16 is amended by placing Claim 16 in independent form and by inserting "water absorbent" preceding "polymeric base material." Soerens et al. and Kimura et al., when combined, do not teach or suggest all of the claim limitations of Claim 16. Neither Soerens et al. or Kimura et al. teach or suggest a water absorbent polymeric base material. Therefore, Claim 16 is allowable over Soerens et al. in view of Kimura et al. and the Applicants respectfully request that the rejection of Claim 16, under 35 USC 103(a), be withdrawn.

Because Claim 17 and 18 are dependent upon Claim 16, Claims 17 and 18 are also allowable over Soerens et al. in view of Kimura et al. The Applicants respectfully request that the rejections of Claims 17 and 18, under 35 USC 103(a), be withdrawn.

Rejection Under 35 USC §103(a) Over Dutkiewicz et al. in view of Kimura et al.

Claims 16-18 have been rejected under 35 USC §103(a) as being unpatentable over Dutkiewicz et al. (U.S. 6562742) in view of Kimura et al. (U.S. 5026800). Claim 16 is amended by placing Claim 16 in independent form and by inserting "water absorbent" preceding "polymeric base material." Dutkiewicz et al. and Kimura et al., when combined, do not teach or suggest all of the claim limitations of the present invention. Neither Dutkiewicz et al. or Kimura et al. teach or suggest a water absorbent polymeric base material. Therefore, Claim 16 is allowable over Dutkiewicz et al. in view of Kimura et al. and the Applicants respectfully request that the rejection of Claim 16, under 35 USC 103(a), be withdrawn.

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Because Claim 17 and 18 are dependent upon Claim 16, Claims 17 and 18 are also allowable over Dutkiewicz et al. in view of Kimura et al. The Applicants respectfully request that the rejections of Claims 17 and 18, under 35 USC 103(a), be withdrawn.

Rejection Under 35 USC §103(a) Over Cook et al. in view of Kimura et al.

Claims 16-18 have been rejected under 35 USC §103(a) as being unpatentable over Cook et al. (U.S. 6465379) in view of Kimura et al. (U.S. 5026800). Claim 16 is amended by placing Claim 16 in independent form and by inserting "water absorbent" preceding "polymeric base material." Cook et al. and Kimura et al., when combined, do not teach or suggest all of the claim limitations of the present invention. Neither Cook et al. or Kimura et al. teach or suggest a water absorbent polymeric base material. Therefore, Claim 16 is allowable over Cook et al. in view of Kimura et al. and the Applicants respectfully request that the rejection of Claim 16, under 35 USC 103(a), be withdrawn.

Because Claims 17 and 18 are dependent upon Claim 16, Claims 17 and 18 are also allowable over Cook et al. et al. in view of Kimura et al. The Applicants respectfully request that the rejections of Claims 17 and 18, under 35 USC 103(a), be withdrawn.

Rejection Under 35 USC §103(a) Over Beihoffer et al. in view of Kimura et al.

Claims 16-18 have been rejected under 35 USC §103(a) as being unpatentable over Beihoffer et al. (U.S. 6140550) in view of Kimura et al. (U.S. 5026800). Claim 16 is amended by placing Claim 16 in independent form and by inserting "water absorbent" preceding "polymeric base material." Beihoffer et al. and Kimura et al., when combined, do not teach or suggest all of the claim limitations of the present invention. Neither Beihoffer et al. or Kimura et al. teach or suggest a water absorbent polymeric base material. Therefore, Claim 16 is allowable over Beihoffer et al. in view of Kimura et al. and the Applicants respectfully request that the rejection of Claim 16, under 35 USC 103(a), be withdrawn.

Because Claims 17 and 18 are dependent upon Claim 16, Claims 17 and 18 are also allowable over Beihoffer et al. et al. in view of Kimura et al. The Applicants respectfully request that the rejections of Claims 17 and 18, under 35 USC 103(a), be withdrawn.

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Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. 102, 103, and 112. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 16-18 are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By

  
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